

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

WHOLESALE INFORMATION
NETWORK, INC.,

Plaintiff,

v.

CASH FLOW MANAGEMENT, INC.,

Defendant.

Case No. C07-5225RBL

ORDER

THIS MATTER is before the Court on Defendant's Motion for Summary Judgment [Dkt. #21]. The motion was filed on July 10, 2007 and noted for August 3, 2007. Under this Court's local rules, plaintiff's opposition to the motion was due on July 30, 2007. Rather than file an opposition to the motion, plaintiff filed a Notice of Dismissal [Dkt. #25] purporting to withdraw its claims against defendant. Under Fed. R. Civ. P. 41(a) plaintiff may not voluntarily dismiss claims absent the Court's approval or the defendant's consent.¹ However, because this Notice of Dismissal was filed in response to defendant's summary judgment motion, the Court construes the Notice as an admission that defendant's motion has merit and hereby **GRANTS** Defendant's Motion for Summary Judgment [Dkt. #21].

¹The Court notes that defendant has not objected to the Notice of Dismissal as would be their right under Rule 41(a)(2).

1 **IT IS SO ORDERED.**

2 DATED this 20th day of August, 2007.

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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